



Rep. Maura Hirschauer

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10400HB3157ham002

LRB104 10710 BDA 23905 a

1 AMENDMENT TO HOUSE BILL 3157

2 AMENDMENT NO. _____. Amend House Bill 3157 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 1.1 and 8 as follows:

6 (430 ILCS 65/1.1)

7 Sec. 1.1. For purposes of this Act, unless the context
8 requires otherwise:

9 "Addicted to narcotics" means a person who has been:

10 (1) convicted of an offense involving the use or
11 possession of cannabis, a controlled substance, or
12 methamphetamine within the past year; or

13 (2) determined by the Illinois State Police to be
14 addicted to narcotics based upon federal law or federal
15 guidelines.

16 "Addicted to narcotics" does not include possession or use

1 of a prescribed controlled substance under the direction and
2 authority of a physician or other person authorized to
3 prescribe the controlled substance when the controlled
4 substance is used in the prescribed manner.

5 "Adjudicated as a person with a mental disability" means
6 the person is the subject of a determination by a court, board,
7 commission or other lawful authority that the person, as a
8 result of marked subnormal intelligence, or mental illness,
9 mental impairment, incompetency, condition, or disease:

10 (1) presents a clear and present danger to himself,
11 herself, or to others;

12 (2) lacks the mental capacity to manage his or her own
13 affairs or is adjudicated a person with a disability as
14 defined in Section 11a-2 of the Probate Act of 1975;

15 (3) is not guilty in a criminal case by reason of
16 insanity, mental disease or defect;

17 (3.5) is guilty but mentally ill, as provided in
18 Section 5-2-6 of the Unified Code of Corrections;

19 (4) is incompetent to stand trial in a criminal case;

20 (5) is not guilty by reason of lack of mental
21 responsibility under Articles 50a and 72b of the Uniform
22 Code of Military Justice, 10 U.S.C. 850a, 876b;

23 (6) is a sexually violent person under subsection (f)
24 of Section 5 of the Sexually Violent Persons Commitment
25 Act;

26 (7) is a sexually dangerous person under the Sexually

1 Dangerous Persons Act;

2 (8) is unfit to stand trial under the Juvenile Court
3 Act of 1987;

4 (9) is not guilty by reason of insanity under the
5 Juvenile Court Act of 1987;

6 (10) is subject to involuntary admission as an
7 inpatient as defined in Section 1-119 of the Mental Health
8 and Developmental Disabilities Code;

9 (11) is subject to involuntary admission as an
10 outpatient as defined in Section 1-119.1 of the Mental
11 Health and Developmental Disabilities Code;

12 (12) is subject to judicial admission as set forth in
13 Section 4-500 of the Mental Health and Developmental
14 Disabilities Code; or

15 (13) is subject to the provisions of the Interstate
16 Agreements on Sexually Dangerous Persons Act.

17 "Clear and present danger" means a person who:

18 (1) communicates a serious threat of physical violence
19 against a reasonably identifiable victim or poses a clear
20 and imminent risk of serious physical injury to himself,
21 herself, or another person as determined by a physician,
22 clinical psychologist, or qualified examiner; or

23 (2) demonstrates threatening physical or verbal
24 behavior, such as violent, suicidal, or assaultive
25 threats, actions, or other behavior, as determined by a
26 physician, clinical psychologist, qualified examiner,

1 school administrator, or law enforcement official.

2 "Clinical psychologist" has the meaning provided in
3 Section 1-103 of the Mental Health and Developmental
4 Disabilities Code.

5 "Controlled substance" means a controlled substance or
6 controlled substance analog as defined in the Illinois
7 Controlled Substances Act.

8 "Counterfeit" means to copy or imitate, without legal
9 authority, with intent to deceive.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Developmental disability" means a severe, chronic
13 disability of an individual that:

14 (1) is attributable to a mental or physical impairment
15 or combination of mental and physical impairments;

16 (2) is manifested before the individual attains age
17 22;

18 (3) is likely to continue indefinitely;

19 (4) results in substantial functional limitations in 3
20 or more of the following areas of major life activity:

21 (A) Self-care.

22 (B) Receptive and expressive language.

23 (C) Learning.

24 (D) Mobility.

25 (E) Self-direction.

26 (F) Capacity for independent living.

1 (G) Economic self-sufficiency; and

2 (5) reflects the individual's need for a combination
3 and sequence of special, interdisciplinary, or generic
4 services, individualized supports, or other forms of
5 assistance that are of lifelong or extended duration and
6 are individually planned and coordinated.

7 "Federally licensed firearm dealer" means a person who is
8 licensed as a federal firearms dealer under Section 923 of the
9 federal Gun Control Act of 1968 (18 U.S.C. 923).

10 "Firearm" means any device, by whatever name known, which
11 is designed to expel a projectile or projectiles by the action
12 of an explosion, expansion of gas or escape of gas; excluding,
13 however:

14 (1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels a single globular projectile not
16 exceeding .18 inch in diameter or which has a maximum
17 muzzle velocity of less than 700 feet per second;

18 (1.1) any pneumatic gun, spring gun, paint ball gun,
19 or B-B gun which expels breakable paint balls containing
20 washable marking colors;

21 (2) any device used exclusively for signaling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets or similar industrial
26 ammunition; and

1 (4) an antique firearm (other than a machine-gun)
2 which, although designed as a weapon, the Illinois State
3 Police finds by reason of the date of its manufacture,
4 value, design, and other characteristics is primarily a
5 collector's item and is not likely to be used as a weapon.

6 "Firearm ammunition" means any self-contained cartridge or
7 shotgun shell, by whatever name known, which is designed to be
8 used or adaptable to use in a firearm; excluding, however:

9 (1) any ammunition exclusively designed for use with a
10 device used exclusively for signaling or safety and
11 required or recommended by the United States Coast Guard
12 or the Interstate Commerce Commission; and

13 (2) any ammunition designed exclusively for use with a
14 stud or rivet driver or other similar industrial
15 ammunition.

16 "Gun show" means an event or function:

17 (1) at which the sale and transfer of firearms is the
18 regular and normal course of business and where 50 or more
19 firearms are displayed, offered, or exhibited for sale,
20 transfer, or exchange; or

21 (2) at which not less than 10 gun show vendors
22 display, offer, or exhibit for sale, sell, transfer, or
23 exchange firearms.

24 "Gun show" includes the entire premises provided for an
25 event or function, including parking areas for the event or
26 function, that is sponsored to facilitate the purchase, sale,

1 transfer, or exchange of firearms as described in this
2 Section. Nothing in this definition shall be construed to
3 exclude a gun show held in conjunction with competitive
4 shooting events at the World Shooting Complex sanctioned by a
5 national governing body in which the sale or transfer of
6 firearms is authorized under subparagraph (5) of paragraph (g)
7 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

8 Unless otherwise expressly stated, "gun show" does not
9 include training or safety classes, competitive shooting
10 events, such as rifle, shotgun, or handgun matches, trap,
11 skeet, or sporting clays shoots, dinners, banquets, raffles,
12 or any other event where the sale or transfer of firearms is
13 not the primary course of business.

14 "Gun show promoter" means a person who organizes or
15 operates a gun show.

16 "Gun show vendor" means a person who exhibits, sells,
17 offers for sale, transfers, or exchanges any firearms at a gun
18 show, regardless of whether the person arranges with a gun
19 show promoter for a fixed location from which to exhibit,
20 sell, offer for sale, transfer, or exchange any firearm.

21 "Intellectual disability" means significantly subaverage
22 general intellectual functioning, existing concurrently with
23 deficits in adaptive behavior and manifested during the
24 developmental period, which is defined as before the age of
25 22, that adversely affects a child's educational performance.

26 "Involuntarily admitted" has the meaning as prescribed in

1 Sections 1-119 and 1-119.1 of the Mental Health and
2 Developmental Disabilities Code.

3 "Licensed clinical mental health professional" means an
4 individual who is a licensed clinical social worker, licensed
5 clinical psychologist, or licensed clinical psychiatrist and
6 who, on or after the effective date of this amendatory Act of
7 the 104th General Assembly, completes (i) a 3-hour,
8 Department-approved continuing education course that covers
9 the issuance, revocation, and reinstatement of Firearm Owners
10 Identification Cards under this Act and (ii) a 3-hour,
11 Department-approved continuing education course in suicide
12 prevention, trauma evaluation, or both.

13 "Mental health evaluation" means, until one year after the
14 effective date of this amendatory Act of the 104th General
15 Assembly, a mental health evaluation performed by a physician,
16 clinical psychologist, or qualified examiner, as those terms
17 are defined in the Mental Health and Developmental
18 Disabilities Code; and, beginning one year after the effective
19 date of this amendatory Act of the 104th General Assembly, a
20 mental health evaluation performed by a licensed clinical
21 mental health professional during at least 2 office visits on
22 2 separate days.

23 "Mental health facility" means any licensed private
24 hospital or hospital affiliate, institution, or facility, or
25 part thereof, and any facility, or part thereof, operated by
26 the State or a political subdivision thereof which provides

1 treatment of persons with mental illness and includes all
2 hospitals, institutions, clinics, evaluation facilities,
3 mental health centers, colleges, universities, long-term care
4 facilities, and nursing homes, or parts thereof, which provide
5 treatment of persons with mental illness whether or not the
6 primary purpose is to provide treatment of persons with mental
7 illness.

8 "National governing body" means a group of persons who
9 adopt rules and formulate policy on behalf of a national
10 firearm sporting organization.

11 "Noncitizen" means a person who is not a citizen of the
12 United States, but is a person who is a foreign-born person who
13 lives in the United States, has not been naturalized, and is
14 still a citizen of a foreign country.

15 "Patient" means:

16 (1) a person who is admitted as an inpatient or
17 resident of a public or private mental health facility for
18 mental health treatment under Chapter III of the Mental
19 Health and Developmental Disabilities Code as an informal
20 admission, a voluntary admission, a minor admission, an
21 emergency admission, or an involuntary admission, unless
22 the treatment was solely for an alcohol abuse disorder; or

23 (2) a person who voluntarily or involuntarily receives
24 mental health treatment as an out-patient or is otherwise
25 provided services by a public or private mental health
26 facility and who poses a clear and present danger to

1 himself, herself, or others.

2 "Physician" has the meaning as defined in Section 1-120 of
3 the Mental Health and Developmental Disabilities Code.

4 "Protective order" means any orders of protection issued
5 under the Illinois Domestic Violence Act of 1986, stalking no
6 contact orders issued under the Stalking No Contact Order Act,
7 civil no contact orders issued under the Civil No Contact
8 Order Act, and firearms restraining orders issued under the
9 Firearms Restraining Order Act or a substantially similar
10 order issued by the court of another state, tribe, or United
11 States territory or military judge.

12 "Qualified examiner" has the meaning provided in Section
13 1-122 of the Mental Health and Developmental Disabilities
14 Code.

15 "Sanctioned competitive shooting event" means a shooting
16 contest officially recognized by a national or state shooting
17 sport association, and includes any sight-in or practice
18 conducted in conjunction with the event.

19 "School administrator" means the person required to report
20 under the School Administrator Reporting of Mental Health
21 Clear and Present Danger Determinations Law.

22 "Stun gun or taser" has the meaning ascribed to it in
23 Section 24-1 of the Criminal Code of 2012.

24 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
25 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
26 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;

1 103-407, eff. 7-28-23.)

2 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

3 Sec. 8. Grounds for denial and revocation. The Illinois
4 State Police has authority to deny an application for or to
5 revoke and seize a Firearm Owners ~~Owner's~~ Identification Card
6 previously issued under this Act only if the Illinois State
7 Police finds that the applicant or the person to whom such card
8 was issued is or was at the time of issuance:

9 (a) A person under 21 years of age who has been
10 convicted of a misdemeanor other than a traffic offense or
11 adjudged delinquent;

12 (b) This subsection (b) applies through the 180th day
13 following July 12, 2019 (the effective date of Public Act
14 101-80). A person under 21 years of age who does not have
15 the written consent of his parent or guardian to acquire
16 and possess firearms and firearm ammunition, or whose
17 parent or guardian has revoked such written consent, or
18 where such parent or guardian does not qualify to have a
19 Firearm Owners ~~Owner's~~ Identification Card;

20 (b-5) This subsection (b-5) applies on and after the
21 181st day following July 12, 2019 (the effective date of
22 Public Act 101-80). A person under 21 years of age who is
23 not an active duty member of the United States Armed
24 Forces or the Illinois National Guard and does not have
25 the written consent of his or her parent or guardian to

1 acquire and possess firearms and firearm ammunition, or
2 whose parent or guardian has revoked such written consent,
3 or where such parent or guardian does not qualify to have a
4 Firearm Owners ~~Owner's~~ Identification Card;

5 (c) A person convicted of a felony under the laws of
6 this or any other jurisdiction;

7 (d) A person addicted to narcotics;

8 (e) A person who has been a patient of a mental health
9 facility within the past 5 years or a person who has been a
10 patient in a mental health facility more than 5 years ago
11 who has not received the certification required under
12 subsection (u) of this Section. An active law enforcement
13 officer employed by a unit of government or a Department
14 of Corrections employee authorized to possess firearms who
15 is denied, revoked, or has his or her Firearm Owners
16 ~~Owner's~~ Identification Card seized under this subsection
17 (e) may obtain relief as described in subsection (c-5) of
18 Section 10 of this Act if the officer or employee did not
19 act in a manner threatening to the officer or employee,
20 another person, or the public as determined by the
21 treating clinical psychologist or physician, and the
22 officer or employee seeks mental health treatment;

23 (f) A person whose mental condition is of such a
24 nature that it poses a clear and present danger to the
25 applicant, any other person or persons, or the community;

26 (g) A person who has an intellectual disability;

1 (h) A person who intentionally makes a false statement
2 in the Firearm Owners ~~Owner's~~ Identification Card
3 application or endorsement affidavit;

4 (i) A noncitizen who is unlawfully present in the
5 United States under the laws of the United States;

6 (i-5) A noncitizen who has been admitted to the United
7 States under a non-immigrant visa (as that term is defined
8 in Section 101(a)(26) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(26))), except that this subsection
10 (i-5) does not apply to any noncitizen who has been
11 lawfully admitted to the United States under a
12 non-immigrant visa if that noncitizen is:

13 (1) admitted to the United States for lawful
14 hunting or sporting purposes;

15 (2) an official representative of a foreign
16 government who is:

17 (A) accredited to the United States Government
18 or the Government's mission to an international
19 organization having its headquarters in the United
20 States; or

21 (B) en route to or from another country to
22 which that noncitizen is accredited;

23 (3) an official of a foreign government or
24 distinguished foreign visitor who has been so
25 designated by the Department of State;

26 (4) a foreign law enforcement officer of a

1 friendly foreign government entering the United States
2 on official business; or

3 (5) one who has received a waiver from the
4 Attorney General of the United States pursuant to 18
5 U.S.C. 922(y) (3);

6 (j) (Blank);

7 (k) A person who has been convicted within the past 5
8 years of battery, assault, aggravated assault, violation
9 of an order of protection, or a substantially similar
10 offense in another jurisdiction, in which a firearm was
11 used or possessed;

12 (l) A person who has been convicted of domestic
13 battery, aggravated domestic battery, or a substantially
14 similar offense in another jurisdiction committed before,
15 on or after January 1, 2012 (the effective date of Public
16 Act 97-158). If the applicant or person who has been
17 previously issued a Firearm Owners ~~Owner's~~ Identification
18 Card under this Act knowingly and intelligently waives the
19 right to have an offense described in this paragraph (l)
20 tried by a jury, and by guilty plea or otherwise, results
21 in a conviction for an offense in which a domestic
22 relationship is not a required element of the offense but
23 in which a determination of the applicability of 18 U.S.C.
24 922(g) (9) is made under Section 112A-11.1 of the Code of
25 Criminal Procedure of 1963, an entry by the court of a
26 judgment of conviction for that offense shall be grounds

1 for denying an application for and for revoking and
2 seizing a Firearm Owners ~~Owner's~~ Identification Card
3 previously issued to the person under this Act;

4 (m) (Blank);

5 (n) A person who is prohibited from acquiring or
6 possessing firearms or firearm ammunition by any Illinois
7 State statute or by federal law;

8 (o) A minor subject to a petition filed under Section
9 5-520 of the Juvenile Court Act of 1987 alleging that the
10 minor is a delinquent minor for the commission of an
11 offense that if committed by an adult would be a felony;

12 (p) An adult who had been adjudicated a delinquent
13 minor under the Juvenile Court Act of 1987 for the
14 commission of an offense that if committed by an adult
15 would be a felony;

16 (q) A person who is not a resident of the State of
17 Illinois, except as provided in subsection (a-10) of
18 Section 4;

19 (r) A person who has been adjudicated as a person with
20 a mental disability;

21 (s) A person who has been found to have a
22 developmental disability;

23 (t) A person involuntarily admitted into a mental
24 health facility; or

25 (u) A person who has had his or her Firearm Owners
26 ~~Owner's~~ Identification Card revoked or denied under

1 subsection (e) of this Section or item (iv) of paragraph
2 (2) of subsection (a) of Section 4 of this Act because he
3 or she was a patient in a mental health facility, as
4 provided in subsection (e) of this Section, shall not be
5 permitted to obtain a Firearm Owners ~~Owner's~~
6 Identification Card, after the 5-year period has lapsed,
7 unless he or she has received a mental health evaluation
8 by a licensed clinical mental health professional ~~by a~~
9 ~~physician, clinical psychologist, or qualified examiner as~~
10 ~~those terms are defined in the Mental Health and~~
11 ~~Developmental Disabilities Code,~~ and ~~has received~~ a
12 certification that he or she is not a clear and present
13 danger to himself, herself, or others. The licensed
14 clinical mental health professional ~~physician, clinical~~
15 ~~psychologist, or qualified examiner making the~~
16 ~~certification~~ and his or her employer shall not be held
17 criminally, civilly, or professionally liable for making
18 or not making the certification required under this
19 subsection, except for willful or wanton misconduct. This
20 subsection does not apply to a person whose firearm
21 possession rights have been restored through
22 administrative or judicial action under Section 10 or 11
23 of this Act. The results of all mental health evaluations
24 that are performed under this subsection (u) on or after
25 the effective date of this amendatory Act of the 104th
26 General Assembly must be transmitted to the Illinois State

1 Police. Notwithstanding any other law, continuing
2 education courses completed by an individual to obtain
3 recognition as a licensed clinical mental health
4 professional under this subsection may be credited toward
5 any other continuing education requirements required for
6 that individual to obtain or maintain professional
7 licensure in this State.

8 Upon revocation of a person's Firearm Owners ~~Owner's~~
9 Identification Card, the Illinois State Police shall provide
10 notice to the person and the person shall comply with Section
11 9.5 of this Act.

12 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
13 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
14 5-27-22; 102-1116, eff. 1-10-23.)".